UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

CHRISTY SOILEAU, INDIVIDUALLY and o/b/o KRISTOPHER ASHTON STEWART SOILEAU	**CIVIL ACTION NO.:**______________
VERSUS	**JUDGE:**______________
U. S. OF A., DEPARTMENT OF HEALTH AND HUMAN SERVICES	**MAGISTRATE JUDGE:**______________

COMPLAINT FOR DAMAGES UNDER THE FEDERAL TORT CLAIMS ACT

JURISDICTION:

This is a suit for damages against the **UNITED STATES OF AMERICA, DEPARTMENT OF HEALTH AND HUMAN SERVICES** for its negligence brought under the Federal Tort Claims Act.

COMPLAINT:

1.

CHRISTY SOILEAU, individually and on behalf of her minor child, KRISTOPHER ASHTON STEWART SOILEAU, is a citizen of the State of Louisiana, Evangeline Parish and **CHRISTY SOILEAU** is of the full age and majority.

2.

Made Defendant herein, is the **UNITED STATES OF AMERICA, DEPARTMENT OF HEALTH AND HUMAN SERVICES** (sometimes referred to as U.S.D.H.H.S.), whose address is 200 Independence Avenue, S.W., Washington, D.C. 20201, whose agent for service of process is Dr. Thomas Priece; is truly indebted onto claimant for all damages that are reasonable under the circumstances, together with legal interest from the date of judicial demand, until paid and for all costs of these proceedings, for the following to wit:

3.

Complainant's minor child, **KRISTOPHER ASHTON STEWART SOILEAU,** was born on March 5, 2013 and was treated by Dr. Suzanne Foster of S.W.LA Center for Health Services. The S.W.LA Center for Health Services is creation of and is run under the auspices of the **UNITED STATES OF AMERICA, DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

4.

KRISTOPHER ASHTON STEWART SOILEAU has Malignant Infantile Osteopetrosis (MIOP), which failed to be diagnosed and treated in a timely manner by Dr. Susan Foster, an employee of S.W.LA Center for Health Services.

5.

Claimant's Malignant Infantile Ostepetrosis (MIOP) is a life threatening illness requiring bone marrow transplants. Defendant, **UNITED STATES OF AMERICA, DEPARTMENT OF HEALTH AND HUMAN SERVICES, through S.W.LA Center for Health Services**, failed to follow up on the diagnosis by Dr. Billeaud, Radiologist.

6.

The **UNITED STATES OF AMERICA, DEPARTMENT OF HEALTH AND HUMAN SERVICES** is liable for the actions and/or inactions of Dr. Susan Foster, an employee ofS.W.LA Center for Health Services. **KRISTOPHER ASHTON STEWART SOILEAU'S** subsequent diagnosis resulted in a serious delay in treatment of the minor child, and has caused a life threatening condition. Defendant's negligence has resulted in a loss of chance of survival and rendering the treatment of claimant's condition much more complex and expensive.

7.

KRISTOPHER ASHTON STEWART SOILEAU has suffered special damages in the form of loss of chance of survival, pain and suffering, past, present and future, mental anguish, past present and future, loss of enjoyment of life and all other damages will be proven at the trial of this matter.

8.

CHRISTY SOILEAU has suffered special damages in the form of mental anguish, past present and future, loss of enjoyment of life, loss of consortium, medical expenses, loss of income, past, present and future and all other damages will be proven at the trial of this matter.

9.

The negligence of **UNITED STATES OF AMERICA, DEPARTMENT OF HEALTH AND HUMAN SERVICES** consists particularly, but not exclusively, of the following:

A. Failure to properly and adequately supervise it's employees' judgments, medical opinions, treatment plan, care being provided and ensure proper diagnosis of **KRISTOPHER ASHTON STEWART SOILEAU'S** medical condition;

B. Abandoning the care of **KRISTOPHER ASHTON STEWART SOILEAU**;

C. Failure to notice or acknowledge that care of the minor child was abandoned;

D. Failure to inform **KRISTOPHER ASHTON STEWART SOILEAU'S** mother, **CHRISTY SOILEAU**, of his condition; and

E. Failure to follow or adhere to the standard of care of a physician similarly situated which constitutes negligence.

10.

Claimant shows that due to poverty and or want of means, they are unable to pay court costs in advance or as they accrue, and therefore are entitled to proceed in *forma pauperis*.

WHEREFORE, petitioner prays:

1. That certified copies of this Complaint, together with citation, be issued and served according to law on the defendant;

2. After the lapse of all legal delays and due proceedings had, there be judgment in favor of **CHRISTY SOILEAU individually and on behalf of her minor child, KRISTOPHER ASHTON STEWART SOILEAU** and against the defendant, **UNITED STATES OF AMERICA, DEPARTMENT OF HEALTH AND HUMAN SERVICES**, in such amounts as are just and reasonable in the premises;

3. For legal interest from date of judicial demand on all amounts awarded, and for all costs of decrees, which may be properly required or proper in the premises of these proceedings;

4. For all necessary orders and decrees as may be required or proper in the premises and for full, general and equitable relief; and

5. That Claimant be allowed to file these proceedings in *forma pauperis*.

RESPECTFULLY SUBMITTED:

BY:____

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